

**REMARKS/ARGUMENTS**

The Office Action mailed July 15, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 5-8, 29-33, 37-40, and 46-69 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification page 20, lines 4-7, specification page 8 lines 19-22, specification page 11 lines 18-22, specification page 12 lines 21-20, specification page 29 lines 15-16, specification page 33 lines 4-5, specification page 35 line 21 to specification page 36 line 2, specification page 37 lines 14-17, and specification page 9 lines 17-19.

New claims 70-84 also particularly point out and distinctly claim subject matter regarded as the invention. New claims 70-77 and 78-84 correspond to method claims 33-40 and 62-68, apparatus claims 25-32 and 54-60, and system claims 1-8 and 46-52, respectively.

In view of the Examiner's earlier restriction requirement, the Applicant retains the right to present claims 9-24 in a divisional Application.

### Claim Objections

Claims 46-69 stand objected to for allegedly having insufficient antecedent basis for the limitation “the group”.<sup>1</sup> With this Amendment, it is respectfully submitted that the claims satisfy the statutory requirements. Accordingly, the Applicant respectfully requests that the objection to claims 46-69 be withdrawn.

### The First 35 U.S.C. § 112, Second Paragraph Rejection

Claims 5-8, 29-32, and 37-40 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.<sup>2</sup> With this Amendment, it is respectfully submitted that the claims satisfy the statutory requirements.

### The Second 35 U.S.C. § 112, Second Paragraph Rejection

Claim 33 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.<sup>3</sup> With this Amendment, it is respectfully submitted that the claims satisfy the statutory requirements.

### The 35 U.S.C. § 102 Rejection

---

<sup>1</sup> Office Action dated July 15, 2004, ¶ 5.

<sup>2</sup> Office Action ¶ 7.

<sup>3</sup> Office Action ¶ 8.

Claims 1-8 and 25-69 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Skladman et al.<sup>4 5</sup> This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>6</sup>

### Claim 1

Claim 1 recites:

A system for providing PBX-integrated unified messaging services on a wide-area network, comprising:  
a corporate communication platform coupled to a switched backbone, integrated with a PBX via a PBX interface, and comprising a slave message mailbox cache; and  
a plurality of system communication platforms coupled to said switched backbone, wherein one such system communication platform comprises a master message mailbox, wherein said slave message mailbox cache is synchronized with said master message mailbox.

The Examiner states:

... Skladman discloses a system for providing PBX-integrated unified messaging services on a wide-area network (see Abstract; column 3, lines 8-14), comprising: a corporate communication platform (Figure 3b, 22) coupled to a switched backbone (see Figure 3a, 47), integrated with a PBX (Figure 3a, 24) via a PBX interface (Figure 3a, 52; column 3, lines 42-47; column 4, lines 9-20), and comprising a slave message mailbox cache (Figure 3a, 64; column 7, lines 49-57); and a plurality of system communication platforms coupled to said switched backbone (see Figure 3a), wherein one such system communication platform comprises a master message mailbox (e-mail server or voice mail server; column 4, lines 9-12; column 7, lines 49-57), wherein said slave message mailbox cache is synchronized with said master message mailbox.<sup>7</sup>

---

<sup>4</sup> U.S. Patent No. 6,487,278 to Skladman et al.

<sup>5</sup> Office Action ¶ 10.

<sup>6</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>7</sup> Office Action ¶ 10.

The Applicant respectfully disagrees. Contrary to the Examiner's statement, Skladman et al. does not disclose a corporate communication platform coupled to a switched backbone, integrated with a PBX via a PBX interface, and comprising a slave message mailbox cache. In support of the Examiner's contention, the Examiner equates the "slave message mailbox cache" of claim 1 with the unified messenger server (reference numeral 64 of FIG. 3a) in Skladman et al. and refers to the following text in Skladman et al.:

FIGS. 1-3 show several specific architectures for implementing the messaging system of the present invention. It will be readily apparent to one of ordinary skill in the art that many alternative architectures exist that fall within the scope of the invention. For instance, any or all of the components of the unified messaging center 26 can be included within the enterprise system 22. The communication networks 47, 101 can be readily configured to support this arrangement.<sup>8</sup>

The use of this particular portion of Skladman et al. to disclose the slave message mailbox cache recited in claim 1, is puzzling. Nowhere in Skladman et al. are the terms "slave", "cache", or "slave message mailbox cache" used. Nor does Skladman et al. disclose an entity that operates as a slave message mailbox cache in the manner required by claim 1. And the portion of Skladman et al. cited by the Examiner indicates there may be alternative architectures, but with insufficient detail to indicate what is meant. The Examiner is reminded that the mere absence from a reference of an explicit requirement of a claim cannot be reasonably construed as an affirmative statement that the requirement is in the reference.<sup>9</sup>

---

<sup>8</sup> Skladman et al. col. 7 lines 49-57.

<sup>9</sup> *In re Evanega*, 829 F.2d 1110, 4 USPQ2d 1249 (Fed. Cir. 1987).

Also contrary to the Examiner's statement, Skladman et al. does not disclose wherein one such system communication platform comprises a master message mailbox. In support of the Examiner's contention, the Examiner refers to the following portion of Skladman et al.:

The middleware server 34, can be a PC server running a software program for interfacing the unified message server 64 to the legacy voice mail server 50 and/or the e-mail server 28.<sup>10</sup>

While the cited reference discloses an enterprise system comprising an email server, the Examiner has not shown wherein *one* such system communication platform comprises a *master* message mailbox as required by claim 1. In fact, nowhere in Skladman et al. is the term "master" used.

Also contrary to the Examiner's statement (and for which the Examiner provides no citation), Skladman et al. does not disclose wherein said *slave* message mailbox cache is synchronized with said *master* message mailbox as required by claim 1. Rather, Skladman et al. discloses a one-way message *retrieval* process whereby messages can only be retrieved from a legacy messaging system in response to a query by the unified messaging system, and forwarded on to the unified messaging system.

For the above reasons, the 35 U.S.C. § 102 rejection of claim 1 based on Skladman et al. is unsupported by the art and should be withdrawn.

Dependent Claims 2-8 and 46-52

---

<sup>10</sup> Skladman et al. col. 4 lines 9-12.

Claims 2-8 and 46-52 depend from claim 1 and thus include the limitations of claim 1.

Claim 1 being allowable, claims 2-8 and 46-52 must also be allowable for at least the same reasons.

### Claim 3

Claim 3 recites:

The system of claim 1, wherein said PBX interface is managed and controlled through program control, said program control established by using modules that make API calls to a programming interface, wherein said corporate communication platform can deliver a message to and receive a message from extensions defined within said PBX.

The Examiner states:

... the system of claim 1, wherein Skladman further discloses said PBX interface is inherently managed and controlled through program control, said program control established by using modules that make API calls to a programming interface, wherein said corporate communication platform can deliver a message to and receive a message from extensions defined within said PBX (column 4, lines 21-33; column 6, lines 29-34; column 7, line 57 - column 8, line 32).<sup>11</sup>

The Applicant respectfully disagrees. Contrary to the Examiner's statement, Skladman et al. does not disclose wherein said corporate communication platform can deliver a message to and receive a message from extensions defined within said PBX. In support of the Examiner's statement, the Examiner refers to the following portion of Skladman et al.:

The proxy interface 52 is configured to connect to either the voice mail server 50 or e-mail server 28 upon receiving a request from the unified message server 64. The request can be an Internet protocol (IP) packet addressed to the middleware server 34 containing predetermined data representing a command to access a specific legacy messaging system, e.g., the e-mail server 28 or voice mail server 50. The IP packet can also include information regarding the specific user for which messages are to be *retrieved*. This information can include the user ID and any PIN numbers or access codes required to access the user's account on the legacy systems.<sup>12</sup>

---

<sup>11</sup> Office Action ¶ 10.

<sup>12</sup> Skladman et al. col. 4 lines 21-33. (emphasis added)

Thus, the communication disclosed in Skladman et al. is one-way, as Skladman et al. refers to message *retrieval*. Whereas claim 3 requires that the corporate communication platform can deliver a message to *and* receive a message from extensions defined within the PBX.

For this additional reason, the 35 U.S.C. § 102 rejection of claim 3 based on Skladman et al. is unsupported by the art and should be withdrawn.

#### Claim 4

Claim 4 recites the same limitation as claim 3. Thus, the arguments made with respect to claim 3 apply here as well.

#### Claim 46

Claim 46 recites:

The system of claim 2, wherein said PBX is selected from the a group consisting of analog PBXs, digital PBXs, Centrex PBXs and Internet Protocol ("IP") PBXs.

The Examiner states:

... the system of claim 2, wherein Skladman further discloses said PBX is inherently selected from a group consisting of analog PBXs, digital PBXs, Centrex PBXs and Internet Protocol ("IP") PBXs (column 3, lines 31-47; see Figures 3a and 7).<sup>13</sup>

The Applicant respectfully disagrees. Furthermore, the Applicant respectfully submits that such conclusory allegations regarding the alleged inherency of the teachings are improper.

---

<sup>13</sup> Office Action ¶ 10.

According to the MPEP<sup>14</sup>, an Examiner must provide a rationale or evidence tending to show inherency. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.<sup>15</sup> Furthermore, “In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.”<sup>16</sup>

The Applicant respectfully suggests that the Examiner has failed to provide a basis in fact and/or technical reasoning to reasonably support the determination that a PBX is inherently selected from a group consisting of analog PBXs, digital PBXs, Centrex PBXs, and Internet Protocol ("IP") PBXs necessarily flows from the teachings of Skladman et al.

For this additional reason, the 35 U.S.C. § 102 rejection of claim 46 based on Skladman et al. is unsupported by the art and should be withdrawn.

#### Claims 47-52

Claims 47-52 include limitations substantially similar to those of claim 46. Thus the arguments made with respect to claim 46 apply here as well.

#### Claims 25-32 and 54-60

---

<sup>14</sup> MPEP § 2112.

<sup>15</sup> *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

<sup>16</sup> *Ex parte Levy*, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Claims 25-32 and 54-60 are apparatus claims corresponding to system claims 1-8 and 46-52, respectively. Claims 1-8 and 46-52 being allowable, claims 25-32 and 54-60 must also be allowable for at least the same reasons.

Claims 33-40 and 62-68

Claims 33-40 and 62-68 are method claims corresponding to system claims 1-8 and 46-52, respectively. Claims 1-8 and 46-52 being allowable, claims 33-40 and 62-68 must also be allowable for at least the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.


Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: November 15, 2004

  
\_\_\_\_\_  
John P. Schaub  
Reg. No. 42,125

Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel. (408) 292-5800  
Fax. (408) 287-8040